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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,136	11/28/2001	Shih-Chun Chiang	B-4395 619333-0	3402

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EXAMINER	
ORTIZ CRIADO, JORGE L	

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/997,136	CHIANG ET AL.	
	Examiner	Art Unit	
	Jorge L Ortiz-Criado	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1 and 9 recites the limitation "continuously receiving/sending the focusing control signal". The Examiner cannot readily ascertain/map with the above claim language where in the specification as originally filed such a disclosure is found in the descriptive portion of the specification by reference to the drawings, designating the part or parts therein to which the term applies.

Alternative, the claims can be construed as misdescriptive in that it fails to particularly point out and distinctly claim the disclosed invention. Applicant's cooperation is respectfully requested.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuda et al. U.S. Patent No. 6,091,680.

Regarding claim 1 and 5, Matsuda et al. discloses a layer jump control apparatus for controlling a layer jump process of an optical drive, wherein the layer jump process comprises a kicking process, a holding process, a braking process and a waiting process, the layer jump control apparatus (See Abstract; Figs. 1-6) comprising:

a pick up head having a lens and a voice coil motor, wherein the pick up head drives the voice coil motor in accordance with a driving force to vertically move the lens (See Fig. 1, ref# 3, 30; col. 4, lines 24-31)

a preamplifier for producing a focusing error signal (See Fig. 1, ref# 5);

a controller for receiving the focusing error signal and producing a focusing control signal (See Fig. 1, ref# 7);

a low pass filter for continuously receiving the focusing control signal and producing a layer distance balancing signal (See Fig. 1, ref# 10; Fig. 6); and

a driving device for outputting the driving force (See Fig. 1, ref# 14); wherein:

the driving device receives the focusing control signal to determine the driving force when the optical drive does not perform the layer jump process (See col. 4, lines 48-56; col. 20-33)

the driving device receives a kicking signal and the layer distance balancing signal to determine the driving force when the optical drive performs the kicking process the driving device receives a braking signal and the layer distance balancing signal to determine the driving force when the optical drive performs the braking process; and the driving device receives the layer distance balancing signal to determine the driving force when the optical drive performs the holding process and the waiting process (See col. 4, line 48 to col. 5, line 34; Figs, 3,4)

Regarding claim 2 and 6, Matsuda et al. discloses wherein the optical drive is a DVD drive (See col. 9, lines 24-28).

Regarding claim 3 and 7, Matsuda et al. discloses wherein the controller is an equalizer (See Fig. 1, ref# 7).

Regarding claim 4 and 8, Matsuda et al. discloses wherein the layer distance-balancing signal is a direct current voltage level of the focusing control signal (See col. 8, lines38 to col. 9, line 15).

Regarding claims 9-12, Method claims 9-12 are drawn to the method of using the corresponding apparatus claimed in claims 1-8. Therefore method claims 9-12 correspond to apparatus claims 1-8 and are rejected for the same reasons of anticipation as used above.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

J.P. Publication Nos. 10-124883 and 10-222868 to Tada et al., which discloses a layer jump control apparatus for controlling a layer jump process of an optical drive a pick up head having a lens and a voice coil motor, wherein the pick up head drives the voice coil motor in accordance with a driving force to vertically move the lens; a preamplifier for producing a focusing error signal; a controller for receiving the focusing error signal and producing a focusing control signal; a low pass filter for receiving the focusing control signal and producing a layer distance balancing signal a driving device for outputting the driving force the driving device receives the focusing control signal to determine the driving force when the optical drive does not perform the layer jump process.

Response to Arguments

Applicant's arguments filed 03/14/2005 have been fully considered but they are not persuasive.

Applicants argue that Matsuda et al. does not teach or suggest (1) "**a low pass filter**" for (2)"**continuously**" receiving the focusing control signal.

The Examiner cannot concur with Applicants assertions for the following reasons set below.

The limitation "continuously receiving/sending the focusing control signal" cannot be readily ascertain/map with the above claim language **Where** in the specification as originally filed such a disclosure is found in the descriptive portion of the specification by reference to the drawings, designating the part or parts therein to which the TERM applies.

As far as the examiner can tell, Matsuda et al. as claimed, shown in Fig. 2, the "level holding circuit/low pass filter" is **continuously receiving** the focus control signal outputted from the "controller/equalizer 7".

Applicants have annexed drawings and arguments about subject matter of features and operations of the "low pass filter" **140** in Fig. 2.in order to differentiate between the "low pass filter 140 in Fig. 2 of Applicants invention and the "level holding circuit" of Matsuda et al.

However, the subject matter argued cannot be found described in the specification and cannot readily ascertain/map the argued subject matter, where in the specification as originally filed such a disclosure is found in the descriptive portion of the specification

Office personnel are to give claims their broadest reasonable interpretation in **LIGHT of the supporting disclosure.** In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997).

In light of the specification the **ONLY** description found in regard to the features and/or operation of the **"low pass filter" block 140 in Fig. 2** to produce the distance balancing signal is that the block "**LPF 140** produces a layer distance balancing signal **such as a direct current voltage level of the focusing control signal"**

The "level holding circuit 10"in Fig. 2 of Matsuda et al., produces **a direct current voltage level of the focusing control signal"** hold in the capacitor as Applicants has already acknowledged, which is consistent with the signal outputted from Applicant's **LPF 140**".

The examiner cannot find in light of the specification such difference between the "LPF 40" and "Level Holding Circuit 10".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DAVID L. OMETZ
PRIMARY EXAMINER